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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,352	07/28/2000	Masahide Noda	1405.1024/JDH	3309

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EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,352

Applicant(s)

NODA ET AL.

Examiner

Anita Choudhary

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

The amendment filed on December 10, 2003 under 37 CFR 1.312 has been entered.

Claims 1, 2, and 5-12 have been amended and are presented for further examination. Claims 3 and 4 have been cancelled.

Claims 1, 2 and 5-12 are presented.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, and 5-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by DeSimone et al (US 6,212,548).

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In referring to claim 1, DeSimone shows chat system having a plurality of chat devices (105-n) which share a virtual chat space being configured on a network for sending and receiving messages among the chat devices (fig. 2A). DeSimone shows;

Linking in each chat device (150-n) a character (chat window) that can be operated according to a predetermined operation instruction (adding user) received by the chat device via the network from a chat administrator (server) of the chat space of the chat devices (col. 2 lines 48-56).

Detecting by the chat administrator a predetermined event (adding user) occurring within the chat space of the chat devices (col. 5 lines 55-66).

Determining at the chat administrator a plurality of different operation instruction (message formats "welcome", "Dave added") for operating each chat device character, based on the detected event (fig. 5a-5C, col. 6 lines 1-23).

Determining at the chat administrator (server) a plurality of different chat devices (Dawn, Mike, Dave) in the chat space that operated the characters, as determined different operations instructions destinations to be sent one of the determined plurality of the different operations instructions (col. 9 lines 1-58).

Sending by the chat administrator the determined plurality of the different operation instructions via the chat system to the determined different operation instructions destinations operating each character (fig. 5a-5C, col. 9 lines 1-58).

In referring to claim 9, DeSimone shows a character installed in the chat device (window) which is connected to a network and which shares a virtual chat space being configured on said network and which sends and receives messages (col. 2 lines 48-56)

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An input unit to receive character operation instructions (col. 2 lines 30-37)

A communicator (server) sending input operations instructions and receiving operations instructions for operating the character, between the chat device and the character (col. 4 lines 4-11)

A controller (server) controlling the character based on said received operation instructions (col. 5 lines 15-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone and knowledge well known in the art.

DeSimone shows communication method wherein operation instruction's originating address and operations instruction's destination address is sent to the determined operations instruction destinations (col. 5 lines 40-54).

Although DeSimone shows these features, DeSimone does not explicitly show *event detection time* sent to the destinations. Nonetheless these features are well known in the art of chatting and would have been an obvious modification to the system shown by DeSimone in order to, track the time an event happened in a history log for users reference.

Claims 5, 7, 8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone in view of Harada et al (US 6,434,604).

In referring to claim 5, 10, 11, and 12, DeSimone shows an administration device (server) used in a chat system having a plurality of chat devices (105-n) which share a virtual chat space (chat session) (col. 5 lines 15-21),

- Server detecting a predetermined event (col. 5 lines 55-58).
- Server determining the plurality of different operation instructions for the detected event (col. 6 lines 1-20).
- Server determining the plurality of different operations instruction destination chat devices to be transmitted the determined plurality of the different operation instructions (col. 9 lines 1-58).
- Server transmitting the determined plurality of the different operation instructions via the chat system to each corresponding different operation instruction destination chat device to operate each character (window) (fig. 5a-5C, col. 9 lines 1-58).

Although DeSimone shows substantial features of the claimed invention, DeSimone does not explicitly show an *association table* that relationally stores events occurring in the chat space with participating chat devices and instructions corresponding to the destinations to operate character linked in each destination chat device. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by DeSimone as evidenced by Harada.

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In an analogous art, Harada discloses a chat system for receiving messages (event) and associating the message event with participating chat devices (110, 1n0) and a corresponding plurality of different predetermined operation instructions (balloon color, balloon form). Harada shows an association table that relationally stores events occurring in the chat space with participating chat devices and instructions corresponding to the destinations to operate character linked in each destination chat device (fig. 7, 8, col. 4 lines 1-49).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by DeSimone to employ the feature shown by Harada, in order to augments a message to convey a unique feeling for each message sent to a recipient (see Harada, col. 2 line 15-18).

In referring to claim 7, DeSimone shows server selecting a plurality of operation instructions (message formats) based on event when operation instructions occur with a same chat device as the destination (destination and device are one in the same) and sending the selected plurality of operations instructions to the same chat device (col. 9 lines 1-58).

In referring to claim 8, DeSimone shows a server, wherein when a plurality of the characters are installed in the chat devices (window), the destination determiner (server) determines one or (of?) the plurality of the characters to operate from among the chat device characters, based on an event and the transmitter sends a determined operation instruction destination chat device to operate the characters (fig. 5a-c and fig. 6a-c, col. 11 line 43- col. 12 line 49).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone in view of Harada in further view of knowledge well known in the art.

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DeSimone shows server transmitting an operations instruction's originating address and operations instruction's destination address is sent to the determined operations instruction destinations (col. 5 lines 40-54).

Although DeSimone shows these features, DeSimone does not explicitly show *event detection time* sent to the destinations. Nonetheless these features are well known in the art of chatting and would have been an obvious modification to the system shown by DeSimone in order to, track the time an event happened in a history log for users reference.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Although the following references have not been explicitly cited, it is recommended that Applicant review them because are very pertinent to the Applicant's invention.

Levac et al. (US 5,872,926).

Shaughnessy et al. (US 5,928,325).

Gilbert (US 6,529,942).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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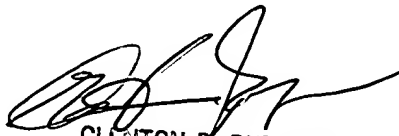
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC
February 17, 2004



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